



POR-105US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/086,403
Applicants: George K. Porter et al.
Filed: February 28, 2002
Title: ATOMIZER
TC/A.U.: 1724
Examiner: Charles S. Bushey
Confirmation No.: 1329

RECEIVED
OCT 20 2003
TC 1700

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the restriction requirement stated in Paper No. 8 mailed on July 8, 2003, for the application identified above, applicants respond as follows. Applicants appreciate the opportunity given its counsel, Benjamin E. Leace, to discuss the restriction requirement in a telephone interview during August of this year.

Applicants respectfully traverses the restriction requirement.

The Office Action requires applicants to elect a single disclosed species from each of the listed groups below; i.e. one manifold species and one atomizer species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Office Action has grouped the patentable distinct genus and species as follows:

Manifold Species:

Species M1 : Single Sided Manifold, Figs. 2-7; and
Species M2 : Multisided Manifold, Fig. 8;

Atomizer Species:

Species A : Fig. 12; and
Species A2 : Fig. 13.

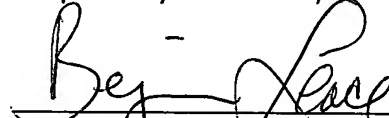
Applicants respectfully traverse the restriction requirement on the grounds that (1) there is no species of manifold claimed in the present application and (2) the independent claims recite elements found in both Fig. 12 and Fig. 13, thereby negating the requirement of electing one of the atomizer species denoted in the Office Action as A and A2.

First, upon review of the claims, no claim is directed towards a manifold. The application, contains 20 claims. Claims 1, 4, 10 and 17 are independent. Claims 2-3 depend from claim 1. Claims 5-9 depend from claim 4. Claims 18-20 depend from claim 17. All of the independent claim recite "An atomizer for combining." Because none of the claims are directed to a manifold, applicants respectfully traverse the Office Action requirement to elect claims directed to a manifold.

Second, applicants traverse the Office Action requirement for an election of a species of atomizer. Fig. 13 includes the atomizer of Fig. 12, particularly, gas input side (82), mixture side (88), liquid inlet (80), mixing slot (62) and mixing point (66). Fig. 12 and Fig 13 are but different embodiments of the same disclosed subject matter, varying in breadth and scope. In view of the above remarks, applicants therefore respectfully request the Examiner withdraw the Office Action restriction requirement with regards to a species of atomizer.

The Examiner is invited to call the applicant's undersigned representative if any further explanation will expedite the prosecution of the application, or if the Examiner has any suggestions or questions concerning the application or the present response.

Respectfully submitted,


Benjamin E. Leace, Reg. No. 33,412
Christian M. Bauer, Reg. No. 51,443

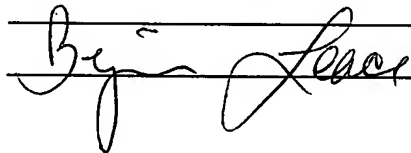
Dated: October 7, 2003

P.O. Box 980
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(610) 407-0700

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October 7, 2003





41

1724/4

PTO/SB/21 (05-03) (AW 07-03)

Approved for use through 04/30/2003. OMB 0651-0031.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 6

Application Number	10/086,403
Filing Date	February 28, 2002
First Named Inventor	George K. Porter
Art Unit	1724
Examiner Name	Charles S. Bushey
Attorney Docket No.	POR-105US

RECEIVED**OCT 20 2003****TC 1700****ENCLOSURES (Check all that apply)**

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/Declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
 - ☐ Response to Missing Parts under
37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation,
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- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication
to Group
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
identify below): Response to
Restriction Requirement; Check;
Postcard

Remarks:**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual	Benjamin E. Leace	Registration No. (Attorney/Agent)	33,412
Signature			
Date	October 7, 2003		

CERTIFICATE OF TRANSMISSION / MAILING

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October 7, 2003

Name (Print/Type) Benjamin E. Leace

Signature

Date

October 7, 2003

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 210

Complete if Known

Application Number 10/086,403
Filing Date February 28, 2002
First Named Inventor George K. Porter
Examiner Name Charles S. Bushey
Art Unit 1724
Attorney Docket No. POR-105US

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OCT 20 2002

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

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18-0350

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The Commissioner is authorized to: (check all that apply)

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☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	750	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20**	=	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0"/>
Independent Claims	<input type="text"/>	-3**	=	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0"/>
Multiple Dependent					X	<input type="text"/>	= <input type="text" value="0"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	210.00
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 210

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Benjamin E. Leace Registration No. Attorney/Agent 33,412 Telephone 610/407-0700
Signature [Signature] Date October 7, 2003

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